

EXPRESS MAIL NO.: EL615212657US

#9

RECEIVED  
JUL 15 2003  
OFFICE OF PETITIONS

In re application of:

Jonathan W. NYCE

Application No. 09/841,426

Filed: April 24, 2001

For: **COMPOSITION, FORMULATIONS  
WITH AN EPIANDROSTERONE OR A  
UBIQUINONE & KITS & THEIR USE  
FOR TREATMENT OF ASTHMA  
SYMPTOMS & FOR REDUCING  
ADENOSINE/ADENOSINE RECEPTOR  
LEVELS**

Art Unit: 1617

Examiner: Jiang, Shaojia A.

Confirmation No.: 5444

Attorney Docket No.:  
02486.0017.CPUS05 (EPI-00311)

### Petition to Revive Under 37 C.F.R. § 1.137(b)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

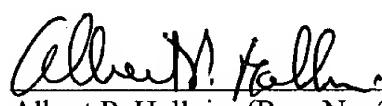
#### 1. Petition fee

- Small entity - fee \$650.00 (37 C.F.R. § 1.17(m))
  - Small entity statement enclosed herewith.
  - Small entity statement previously filed.
- Other than small entity - fee \$1,280.00 (37 C.F.R. § 1.17(l))

2. Reply and/or fee
  - A. The reply and/or fee to the above-noted Office action in the form of Check NO. \_\_\_\_\_ (identify type of reply):
    - has been filed previously on \*.
    - is enclosed herewith.
  - B. The issue fee of \$\*
    - has been paid previously on \*.
    - is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
  - Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
  - A terminal disclaimer (and disclaimer fee (37 C.F.R. § 1.20(d)) of \$\* for a small entity or \$\* for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith.
4. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Respectfully submitted,

Date: July 9, 2003

  
Albert P. Halluin, (Reg. No. 25,227)  
Robin C. Chiang (Reg. No. 46,619)

HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Box 34  
Menlo Park, CA 94025  
(650) 463-8109